

CHAPTER 171
ADMINISTRATIVE RULES

[Prior to 7/29/87, Department of Health[470] Ch 171]

641—171.1(17A) Petition for adoption, amendment or repeal of administrative rules.

171.1(1) *Petition for rule making.* A petition for rule making shall be filed with the director, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. The petition should be mailed to the director by certified mail, return receipt requested, or delivered in person. The director may request the petitioner to submit additional facts, views or data.

A petition for rule making which is filed shall contain:

a. A caption in the following form:

BEFORE THE IOWA STATE DEPARTMENT OF HEALTH
LUCAS STATE OFFICE BUILDING
DES MOINES, IOWA

IN RE: _____(interested person's name) REQUEST FOR _____(adoption, amendment or repeal) OF RULE NUMBER _____(if applicable)	}	PETITION FOR RULEMAKING DOCKET NO. _____ (filled in by Department)
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b. The petition shall state in separate numbered paragraphs the following:

- (1) Petitioner's name and address.
- (2) If the petitioner requests the adoption of an administrative rule, the petition shall contain a draft of the proposed rule and the statutory authority in the Iowa Code for its adoption.
- (3) If the petitioner requests the amendment of an existing administrative rule, the petition shall contain a typewritten copy of the existing rule, double-spaced between the lines, with any material proposed to be deleted stricken in the text, and any new material underlined.
- (4) If the petitioner requests the repeal of an existing administrative rule, the rule proposed to be repealed shall be identified by a reference to the Iowa Administrative Code giving the number or letter.
- (5) The reasons for seeking the requested action in detail, including any facts, views, data or arguments relevant.
- (6) The nature of petitioner's interest in the subject matter.
- (7) The signature of the petitioner or a duly authorized officer of the petitioner if it is a corporation or other legal entity.

171.1(2) *Procedure after petition filed.* Upon filing, such petition for rule making shall be given a docket number and shall become a matter of public record. Upon receipt of a petition, the director shall take the petition under advisement and may request written memoranda from personnel within the department, oral or written recommendations from interested persons outside of the department, or an oral presentation by the petitioner elaborating the reasons for the requested administrative rule activity. The petitioner may be requested to submit additional facts, views or data. The department shall, within 60 days following the filing of the petition, either deny the petition in writing on the merits or initiate rule-making procedures. After careful consideration, if it is determined that the petition does not disclose sufficient reasons to justify the commencement of rule-making proceedings or if the petition materially fails to comply with the requirements of these rules, or if it is determined the petitioner is not an interested person, the petition shall be denied and the petitioner so notified together with any other relevant reasons for such denial.

641—171.2(17A) Public hearings.

171.2(1) When requested in writing, not later than 20 days after notice of intended action is published in the Iowa Administrative Bulletin, by 25 interested persons, a governmental subdivision, the administrative rules review committee, an agency, or an association having not less than 25 members, or upon discretion of the department, the department will schedule a public hearing concerning the proposed rules which shall be presided over by the director or the director's designee.

171.2(2) Prior to the hearing, an interested person may indicate a desire to make an oral presentation by submitting a written request addressed to the director. Time for oral presentations at the discretion of the director or other person designated in the notice of public hearing may be limited to ten minutes. The director or the director's designee will allow any interested person the opportunity to make an oral presentation.

171.2(3) Each hearing shall be held at the time and place set in the notice of hearing.

171.2(4) Written comments concerning the proposed rules may be submitted to the director or other person designated in the notice of public hearing.

171.2(5) A person may be excluded from the hearing for misbehavior that obstructs the hearing.

[Filed 3/18/76, Notice 2/9/76—published 4/5/76, effective 5/10/76]

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